

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANAIIS ORTIZ, as Independent Administrator)
of the Estate of ANTONIO FIERRO, Deceased,)
Plaintiff,)
v.) Case No. 13 CV 7626
UNITED STATES OF AMERICA,) Judge John Robert Blaney
Defendant.) Magistrate Judge Mary K. Rowland

ORDER APPROVING SETTLEMENT

THIS CAUSE coming on to be heard on Petition of, ANAIS ORTIZ, as Independent Administrator of the Estate of ANTONIO FIERRO, Deceased, by and through her attorneys, KRALOVEC, JAMBOIS & SCHWARTZ, for the entry of an Order approving a settlement in the amount of ONE MILLION and 00/100 (\$1,000,000.00) DOLLARS, the Court finds as follows:

1. That Plaintiff has alleged that Anais Ortiz received negligent care by PCC Community Wellness physicians. Specifically, it is alleged that the PCC Community Wellness physicians failed to adequately monitor Ms. Ortiz throughout her labor, and failed to timely perform a cesarean section on December 7, 2011, while she was a patient at West Suburban Medical Center. Plaintiff alleges that as a result of Defendant's failure to adequately monitor and treat Anais Ortiz, her son, Antonio Fierro, was born with a significant brain injury and died shortly thereafter. A lawsuit was filed by the Plaintiff against United States of America, alleging that they failed to adequately treat Antonio Fierro on December 7, 2011.

2. That Antonio Fierro died on December 16, 2011, and Anais Ortiz was appointed as Independent Administrator of Antonio Fierro's Estate by the Probate Division of the Circuit Court of Cook County Case No. 2013 P 5649 to administer the Estate of Antonio Fierro, Deceased. See a copy

of the Order Appointing Representative of Decedent's Estate – Intestate and Letters of Office attached hereto as Exhibit A.

3. As a result of the aforesaid occurrence, the Petitioner filed a claim pursuant to Wrongful Death and Survival against the United States of America, pursuant to the Federal Tort Claims Act.

4. That Anais Ortiz, retained the legal service of Kralovec, Jambois & Schwartz, to represent the Estate of Antonio Fierro, Deceased in the aforesaid claim.

5. That an offer to settle the Wrongful Death and Survival claims has been made on behalf of the Defendant, United States of America, in the amount of ONE MILLION and 00/100 (\$1,000,000.00) DOLLARS (with \$975,000.00 being attributed to Wrongful Death and \$25,000.00 being attributed to Survival).

6. The settlement of ONE MILLION and 00/100 (\$1,000,000.00) is fair and reasonable and Anais Ortiz, the Independent Administrator, is authorized to accept said settlement.

7. The attorneys for Petitioner, Kralovec, Jambois & Schwartz, are entitled to fees in the amount of TWO HUNDRED FIFTY THOUSAND and 00/100 (\$250,000.00) DOLLARS.

8. The attorneys for Petitioner, Kralovec, Jambois & Schwartz, are entitled to reimbursement for expenses attributable to this lawsuit and incurred by Kralovec, Jambois & Schwartz in the amount of THIRTY-THREE THOUSAND, SIXTY SEVEN and 28/100 (\$33,067.28) DOLLARS as itemized in Exhibit B.

9. That Medicaid has asserted a lien which has been adjudicated by the Court and allowed in the sum of TWENTY-FIVE THOUSAND and 00/100 (\$25,000.00) relative to the alleged negligence and claimed injuries.

10. That there are no other liens asserted in this matter.

11. That the next of kin (heirship as set forth in 755 5/2-1 et seq.) of the Decedent is as follows:

Name	Relationship	Adult, Disabled Adult, Minor
Anais Ortiz	Mother	Adult
Ricardo Fierro	Father	Adult
Ricardo Fierro, Jr.	Brother	Minor

12. That the percentage of dependency determined by this Court for the next of kin (heirship as set forth in 755 5/2-1 et seq.) of the Decedent, as identified in paragraph 11, is as follows:

Name	Percentage of Dependency	Amount
Anais Ortiz	42.5%	\$283,446.40
Ricardo Fierro	42.5%	\$283,446.40
Ricardo Fierro, Jr.	15.0%	\$100,039.92

13. That after the deduction of attorneys' fees, attorneys' itemized costs, and the Medicaid lien, the net amount distributable for the Wrongful Death proceeds to the *adult* next of kin is \$566,892.80 and should be distributed in accordance with the above percentages of dependency.

14. That after the deduction of attorneys' fees, attorneys' itemized costs, and the Medicaid lien, the net amount distributable for the Wrongful Death proceeds to the *minor* next of kin is \$100,039.92 and is not to be distributed until a Guardian is appointed by the Probate Division or Circuit Court where the minor resides and approval by said Court is obtained.

15. The net amount distributable for the Survival proceeds to the Estate of Antonio Fierro is allowed in the sum of TWENTY-FIVE THOUSAND and 00/100 (\$25,000.00).

16. The following Probate expenses claimed herein are as follows and appear reasonable, however, reimbursement of the same must be obtained from the Probate estate:

Description	Amount
Bond Fee – Di Domenico Agency	\$75.00
Filing Fee - Clerk of the Circuit Court of Cook County	\$422.00

17. That the settlement proceeds should be distributed in accordance with the above percentages of dependency and as stated above:

Description	Amount
Attorneys' Fees - Kralovec, Jambois & Schwartz	\$250,000.00
Attorneys' Expenses - Kralovec, Jambois & Schwartz	\$33,067.28
Medical Lien - Medicaid	\$25,000.00
Estate of Antonio Fierro	\$25,000.00
Anais Ortiz	\$283,446.40
Ricardo Fierro	\$283,446.40
Ricardo Fierro, Jr., a minor	\$100,039.92
TOTAL	\$1,000,000.00

18. The Defendant, UNITED STATES OF AMERICA, is hereby dismissed and this claim is dismissed in its entirety with prejudice and without costs pursuant to settlement of this matter.

IT IS FURTHER ORDERED: that the settlement is approved and ANAIS ORTIZ, as Independent Administrator of the Estate of ANTONIO FIERRO, Deceased, is authorized and directed to execute releases upon receipt of the sum offered and to distribute the proceeds in accordance with the provisions of this Order provided that any monies payable to Ricardo Fierro, Jr., a minor, shall be paid only after a Guardian is appointed by the probate division of the circuit court where the minor resides and this Order shall be effective only after the entry in the appropriate probate division of an order approving the bond or other security required to administer the settlement and distribution provided for in this order .

Mary M Rowland
ENTERED:

Mary M. Rowland

JUDGE

10-30-15

KRALOVEC, JAMBOIS & SCHWARTZ
60 West Randolph Street
Fourth Floor
Chicago, IL 60601
(312) 782-2525

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, PROBATE DIVISION

ESTATE OF)
 ANTONIO FIERRO,) No. 2013 P 5649
 _____) Deceased.)

ORDER APPOINTING REPRESENTATIVE OF DECEDENT'S ESTATE - INTESTATE

On the verified petition of ANAIIS ORTIZ for
issuance of letters of office.

IT IS ORDERED that:

1. Letters of office as INDEPENDENT ADMINISTRATOR

- | | |
|---|--|
| <input type="checkbox"/> 4243 (supervised administrator) | <input type="checkbox"/> 4248 (independent administrator to collect) |
| <input type="checkbox"/> 4249 (supervised administrator to collect) | <input checked="" type="checkbox"/> 4230 (independent administrator) |
| <input type="checkbox"/> 4237 (supervised administrator de bonis non) | <input type="checkbox"/> 4236 (independent administrator de bonis non) |
| <input type="checkbox"/> 4227 (supervised co-administrators) | <input type="checkbox"/> 4231 (independent co-administrators) |

issue to ANAIIS ORTIZ

*2. The representative file an inventory within 60 days. — 4192

3. A verified report per 5/28-11 or an accounting per 5/24-1 shall be filed by or the representative must appear in court on 12/4/14, at 10:00 a.m. (14 months after letter issued).

Atty No. 48743
 Name Priscilla Singer
 Firm Name Garofalo Law Group
 Attorney for Representative
 Address 161 N. Clark St., Ste. 4700
 City & Zip Chicago, Illinois 60601
 Telephone (312) 753-6000

Asst. Judge Susan Coleman 1747
ENTERED
 DCI - 8 2013
 Judge's No.
Judge Susan Coleman 1747

*Strike if not applicable.

11/13/2012	11673	Sheriff - Cook County	Ortiz-Service fees	-240.00
11/06/2012	11580	Clerk of Court - Cook County	Ortiz-Filing fees	-567.00
11/06/2012	11589	FedEx	Ortiz-Delivery	-17.68
06/11/2012	10897	Health Port	Ortiz-Medical records	-111.78
04/27/2012	10643	Midwest Medical Records Assoc.	Ortiz-Medical records	-71.09
04/17/2012	10549	Community Wellness Center	Ortiz-Medical Records	-24.81
01/31/2012	10207	Health Port	Ortiz-Medical records	<hr/> <u>-55.46</u>
				<u><u>-33,067.28</u></u>